

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDI ALI ABUKAR,

Plaintiff,

v.

UNITED STATES,

Defendant.

Case No. C11-1708-MJP

**ORDER OF DISMISSAL**

Having reviewed defendant's motion to dismiss, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and Orders as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Defendant's motion to dismiss is **CONSTRUED** to be a motion to dismiss brought pursuant to Federal Rule of Civil Procedure 12(b)(1);
3. Defendant's motion to dismiss is **GRANTED** and this Federal Tort Claims Act complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction; and
4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 4 day of May, 2012.

  
MARSHA J. PECHMAN  
Chief United States District Judge